

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF CATTARAUGUS

-----X

CHRISTOPHER LOGAN

Plaintiffs,

- against -

SALAMANCA CITY CENTRAL SCHOOL
DISTRICT and MICHAEL DUPONTDefendants.
-----X

Index No. _____

Plaintiff designates
Cattaraugus as the
place of trialThe basis of venue is
Defendant's Residence
and/or place of business
*address: See below.***Summons**

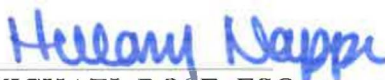
To the above named Defendants:

YOU ARE HEREBY SUMMONED to answer the Verified Complaint in this action and to serve a copy of your Verified Answer on the undersigned attorneys, **HACH ROSE SCHIRIPPA & CHEVERIE, LLP**, representing plaintiff, within twenty (20) days after the service of this Summons, exclusive of the day of service (or within 30 days after the service is complete if this Summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
November 14, 2019

Respectfully Submitted,

HACH ROSE SCHIRIPPA & CHEVERIE, LLP

MICHAEL ROSE, ESQ.
HILLARY M. NAPPI, ESQ.
112 Madison Avenue, 10th Floor
New York, New York 10016
212-213-8311

Defendant's addresses:

SALAMANCA CITY CENTRAL SCHOOL DISTRICT

50 Iroquois Drive

Salamanca, NY 14779

Michael DuPont

4389 E. Bucktooth Run Road

Little Valley, NY 14755

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF CATTARAUGUS-----X
CHRISTOPHER LOGAN

Index No. _____

Plaintiffs,

- against -

VERIFIED COMPLAINTSALAMANCA CITY CENTRAL SCHOOL DISTRICT
and MICHAEL DUPONTDefendants.
-----X

Plaintiff Christopher Logan by his attorneys Hach Rose Schirripa & Cheverie LLP, complaining of the Defendants Salamanca City Central School District and Michael DuPont and respectfully alleges:

NATURE OF THE ACTION

1. Pursuant to C.P.L.R. § 214-g, the New York Child Victims Act (the "CVA"), Plaintiff brings suit to vindicate his rights as a survivor of sexual abuse.
2. The CVA opened a historic one-year one-time window for victims and survivors of childhood sexual abuse in the State of New York to pursue lapsed claims. Prior to the passage of the CVA, each of Plaintiffs' claims were time barred the day he turned 23 years old. As a result of the passage of the CVA, Plaintiff can now pursue restorative justice.
3. Christopher Logan brings suit to recover damages as a result of the repeated sexual abuse he endured at the hands of Defendant Michael DuPont at Salamanca Middle/High School, operated and managed by Defendant Salamanca City Central School District.
4. DuPont identified Christopher Logan, and others, as students who suffered from various afflictions that left the then minor feeling ostracized and alone. Understanding that Plaintiff was vulnerable, DuPont preyed upon the Plaintiff and repeatedly sexually abused him in

the course of his employment with Defendant Salamanca City Central School District. As a result of the Salamanca City Central School District's negligence and DuPont's pedophilic ways, Plaintiff Christopher Logan has lived a forever-altered life.

PARTIES

5. Plaintiff Christopher Logan ("Logan") is an individual who is a resident of Cattaraugus County, State of New York. At all times relevant, Plaintiff resided in Cattaraugus County.

6. Salamanca City Central School District ("SCCSD") was and is a municipal corporation and local educational agency that maintains its principal place of business at 50 Iroquois Drive, Salamanca, New York, 14779, in Cattaraugus County.

7. SCCSD owns, operates, maintains, controls and operates the Salamanca City Middle/High School (the "School" or the "Premises") located at 50 Iroquois Drive, Salamanca, New York, 14779, in Cattaraugus County.

8. Michael DuPont ("DuPont") is an individual who is a resident of Cattaraugus County. At all relevant times, DuPont was an employee of Salamanca City School District at all times relevant to this Complaint.

9. At all times relevant to this Complaint, DuPont worked as a teacher at the Salamanca City Middle/High School. At all times relevant, SCCSD held DuPont out an employee under the supervision of SCCSD.

10. At all times relevant, DuPont was an agent under the supervision of SCCSD and SCCSD held him out as its agent.

JURISDICTION AND VENUE

11. This Court has jurisdiction over the claims asserted herein pursuant to C.P.L.R. §§ 301 and 302, in that Defendants reside or transact business in New York.

12. Venue for this action is proper in the County of Cattaraugus pursuant to C.P.L.R. § 503 in that one or more Defendants reside or transact business in this County and a substantial part of the events and omissions giving rise to the claim occurred in Cattaraugus County.

STATEMENT OF FACTS

Plaintiff Logan Meets DuPont and DuPont Manipulates Plaintiff Logan into Trusting Him

13. In or around the early part of the 2002-2003 school year, DuPont was employed by SCCSD as a science teacher.

14. DuPont is a sexual predator who sought out children to abuse. He particularly targeted children who were at risk or who came from broken or single parent homes.

15. DuPont sought out children he believed would not disclose the sexual abuse he would inflict upon them.

16. As a Salamanca Middle/High School teacher, DuPont developed a questionnaire at the beginning of the school year to determine the backgrounds of students and learn such things as whether the children came from broken or single parent homes.

17. In or around September 2002, Logan entered the seventh grade at Salamanca Middle/High School.

18. SCCSD assigned Logan to DuPont's science class.

19. DuPont gave Logan the questionnaire he designed and Logan filled it out and returned it to DuPont.

20. Logan fit the stereotype of the child DuPont sought to abuse. Specifically, Logan disclosed to DuPont that he was having a tough time at home because Logan came from a single-parent home and did not feel he had a strong father figure in his life.

21. Almost immediately, DuPont began to single out Logan and began to shower him with attention to make Logan trust him.

22. DuPont would come to Logan's home and slowly built Plaintiff's mother's trust so that she would allow DuPont to take Logan to the movies and to get ice cream.

23. DuPont enticed Logan to believe they were friends.

24. Logan did not have a computer at home, and as a benefit of being DuPont's friend, DuPont would allow Logan to take his personal laptop home with him.

25. DuPont made Logan sit in the front of his science class.

26. While DuPont taught class, he would show pornography to Logan. This pornography would feature young boys engaged in sexual acts.

DuPont Sexually Assaults Plaintiff Logan

27. Eventually, one day, while teaching science, DuPont began to touch Logan's penis in the classroom with other students present. Logan – who sitting in the front of the classroom – was paralyzed by fear that other students would see what was happening.

28. DuPont repeated this behavior and sexually molested Logan and touching his penis every chance he had. DuPont arranged for Plaintiff to be alone in his classroom with him and would touch Plaintiff's penis. Eventually, DuPont forced Plaintiff to touch DuPont's penis. On these occasions, DuPont would cover the small section of glass on the classroom door for privacy.

29. DuPont wanted to desperately escalate his sexual abuse of Logan and tried to create opportunities to do so.

30. DuPont took every opportunity available to continue to sexually abuse Logan. He even created opportunities. Specifically, DuPont created a fake permission slip for a trip and asserted that he was taking several students to the Gotcha Paintball range one weekend.

31. At all times relevant hereto, Gotcha Paintball range was owned and operated by DuPont's family and thereby allowed DuPont to have unfretted privacy. Logan's mother would not sign the permission slip, so Plaintiff did not attend.

32. DuPont did not give up in his attempts to escalate his abuse of Logan.

33. DuPont's science classroom shared a closet with another science classroom. DuPont frequently forced Logan into a closet located in the back of DuPont's science classroom and sexually abused him.

34. In this closet, DuPont attempted to penetrate Logan's anus with his penis, but he was unsuccessful. DuPont then attempted to force Plaintiff to perform oral sex on DuPont, but Plaintiff fought off DuPont's advances. Finally, resigned to the fact he would not be able to sodomize Plaintiff, DuPont continued to force Plaintiff to touch his penis and he continued to touch Plaintiff's penis.

35. On one particular occasion, DuPont forced a group of minor male students to get naked in the closet and he took turns molesting each student – touching each male student's penis, and then making each student touch DuPont's penis.

36. After each incident of sexual abuse described herein, DuPont would remind Logan not to tell anyone about the real nature of their relationship.

37. At no time during the forced sexual activity described herein did Logan provide consent to engage in these acts with DuPont.

38. At no time in the year of forced sexual activity described herein could Logan legally provide his consent to engage in these acts with DuPont.

39. At all times, the conduct alleged herein violated New York State's Penal Code.

40. Upon information and belief, DuPont sexually abused other students at Salamanca Middle/High School around the same age as Plaintiff in and around the same time as Logan.

41. Upon information and belief, one of the other students DuPont sexually abused disclosed this abuse and the police investigated DuPont for his crimes.

DuPont Arrested, Convicted and Incarcerated For His Illegal Acts Against Children

42. Because of DuPont's illegal acts against Logan, and other students at Salamanca Middle/High School, DuPont was arrested.

43. In April 2009, DuPont was convicted for his crimes.

44. DuPont was sentenced to a period of incarceration in state prison.

45. DuPont, who was suspended following his arrest, was also required to surrender his teaching license.

46. DuPont is currently on the New York State Sex Offenders' Registry and has a risk level of a Category 3 sex offender assigned to him.

47. As a direct result of the Defendants' conduct described herein, Logan has suffered and will continue to suffer great pain of mind and body, severe and permanent emotional distress, and physical manifestations of emotional distress. Logan was prevented from obtaining the full enjoyment of life; has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling; and has incurred and will continue to incur loss of income and/or loss of earning capacity. As a victim of sexual abuse, Logan is unable at this time to fully describe all of the details of that abuse and the extent of the harm suffered as a result.

CAUSES OF ACTION**FIRST CAUSE OF ACTION
SEXUAL ABUSE
AGAINST MICHAEL DUPONT**

48. Plaintiff Logan repeats and re-alleges each and every allegation set forth in the paragraphs "1" through "47" as if fully set forth herein.

49. Defendant DuPont did sexually assault, sexually abuse, and/or have sexual contact with Plaintiff Logan in violation of the laws of the State of New York.

50. By sexually assaulting, sexually abusing, and/or having sexual contact with Plaintiff Logan, Defendant DuPont placed Plaintiff Logan in imminent and reasonable apprehension of harmful and offensive contact.

51. By sexually assaulting, sexually abusing, and/or having sexual contact with Plaintiff Logan, Defendant DuPont acted so as to cause unjustified, harmful and offensive physical contact with Plaintiff.

52. As a direct result of Defendant DuPont's conduct Plaintiff Logan has suffered the injuries and damages described herein.

53. By reason of the foregoing, Defendant DuPont is liable to Plaintiff Logan for compensatory damages and for punitive damages, together with interests and costs.

**SECOND CAUSE OF ACTION
VICARIOUS LIABILITY IN RESPONDEAT SUPERIOR
AGAINST SCCSD**

54. Plaintiff repeats and re-alleges each and every allegation set forth in the paragraphs "1" through "47" as if fully set forth herein.

55. Defendant SCCSD was and is vicariously liable in *respondeat superior* to Plaintiff Logan for DuPont's foregoing unlawful conduct in that said acts were reasonably foreseeable by SCCSD and within the general scope of his employment.

56. SCCSD was and is vicariously liable in respondent superior to Plaintiff Logan for DuPont's foregoing unlawful conduct for given prior instances of similar conduct of DuPont and other employees, agents, and/or servants, as well as SCCSD's failure to respond accordingly, such unlawful conduct was reasonably foreseeable, and within the general scope of SCCSD's business in that due to prior known instances of similar conduct on part DuPont, the herein actions of same could have been reasonably foreseen by SCCSD; and, therefore, SCCSD assumed a relationship requiring it be responsible for Plaintiff Logan's safety and protection.

57. As a result of the foregoing the Plaintiff Logan has been caused to suffer and sustain severe and potentially permanent personal injuries, including severe injury and potentially permanent injury to her emotional and psychological well-being.

58. By reason of the foregoing, Defendant SCCSD is liable to Plaintiff Logan for compensatory damages and for punitive damages, together with interests and costs.

59. Per CPLR § 1603, the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided under CPLR § 1602, including but not limited to CPLR §§ 1602(2), 1602(7).

**THIRD CAUSE OF ACTION
NEGLIGENCE IN HIRING, RETENTION, AND SUPERVISION
AGAINST SCCSD**

60. Plaintiff Logan repeats and re-alleges each and every allegation set forth in the paragraphs "1" through "47" as if fully set forth herein.

61. That Defendant employer SCCSD negligently hired and/or retained its employee DuPont with knowledge of DuPont's propensity for the type of behavior, which resulted in plaintiff's injuries in this action.

62. That Defendant SCCSD negligently placed its employee DuPont in a position to cause foreseeable harm, which most probably would not have occurred had the employer taken reasonable care in the hiring of employees.

63. That Defendant SCCSD negligently hired and/or retained its employee DuPont, negligently placed its employee DuPont in a position to cause foreseeable harm, which Plaintiff Logan would not have been subjected to, had Defendant employer SCCSD taken reasonable care in supervising or retaining the employee DuPont.

64. That Defendant SCCSD knew or should have known of its employee DuPont's propensity for the conduct that caused Plaintiff Logan's injuries.

65. That Defendant SCCSD negligently failed to properly train and/or supervise its employee DuPont.

66. That as a result of the foregoing Plaintiff Logan was seriously and permanently injured.

67. That said occurrence and the resulting injuries to Plaintiff Logan were caused solely and wholly by reason of the negligence and carelessness of SCCSD in the ownership, operation, management, maintenance, control, security and supervision of the premises and employees within the premises.

68. That as a result of the foregoing, Plaintiff Logan was injured solely and wholly as a result of the negligence, carelessness and recklessness of the Defendant SCCSD without any negligence on the part of the Plaintiff Logan contributing thereto.

69. By reason of the foregoing, Defendant SCCSD is liable to Plaintiff Logan for compensatory damages and for punitive damages, together with interests and costs.

70. Per CPLR § 1603, the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided under CPLR § 1602, including but not limited to CPLR §§ 1602(2), 1602(7).

**FOURTH CAUSE OF ACTION
INADEQUATE SECURITY
AGAINST SCCSD**

71. Plaintiff Logan repeats and re-alleges each and every allegation set forth in the paragraphs “1” through “47” as if fully set forth herein.

72. That Defendant SCCSD negligently failed to provide adequate security to Plaintiff Logan while Plaintiff Logan was lawfully within the Premises.

73. That Defendant SCCSD negligently failed to provide adequate security to Plaintiff Logan while Plaintiff Logan was lawfully within the premises and while defendant had knowledge of its employee DuPont’s propensity for the type of behavior, which resulted in Plaintiff Logan’s injuries in this action.

74. That SCCSD negligently failed to safeguard Plaintiff Logan, a minor.

75. That SCCSD knew or should have known of its employee DuPont’s propensity for the conduct that caused Plaintiff Logan’s injuries and negligently failed to take reasonable measures to protect and provide security to the Plaintiff.

76. That as a result of the foregoing Plaintiff Logan was seriously and permanently injured.

77. That said occurrence and the resulting injuries to Plaintiff Logan were caused solely and wholly by reason of the negligence and carelessness of Defendant SCCSD in the ownership,

operation, management, maintenance, control, security and supervision of the Premises and employees within the Premises.

78. That as a result of the foregoing, Plaintiff Logan was injured solely and wholly as a result of the negligence, carelessness and recklessness of the Defendant SCCSD and, without any negligence on the part of the Plaintiff Logan contributing thereto.

79. By reason of the foregoing, Defendant SCCSD is liable to Plaintiff Logan for compensatory damages and for punitive damages, together with interests and costs.

80. Per CPLR § 1603, the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided under CPLR § 1602, including but not limited to CPLR §§ 1602(2), 1602(7).

**FIFTH CAUSE OF ACTION
NEGLIGENCE
AGAINST SCCSD**

81. Plaintiff repeats and re-alleges each and every allegation set forth in the paragraphs “1” through “47” as if fully set forth herein.

82. In or around the 2002-2003 school year, Defendant SCCSD owned, operated, managed, maintained, controlled, secured and supervised the premises and employees within the premises.

83. In or around the 2002-2003 school year, Defendant SCCSD as the owner, operator, supervisor and manager of the premises and the employees within the Premises had a duty to protect the Plaintiff from injury while Plaintiff was lawfully within the Premises.

84. That in or around the 2002-2003 school year, Defendant SCCSD while lawfully upon the premises, Plaintiff Logan was caused to be repeatedly injured solely and wholly due to the negligence and carelessness of Defendant SCCSD.

85. That solely and wholly by reason of the foregoing, Plaintiff Logan was injured.

86. That said occurrence and the resulting injuries to Plaintiff Logan were caused solely and wholly by reason of the negligence and carelessness of Defendant SCCSD in the ownership, operation, management, maintenance, control, security and supervision of the Premises and the employees within the Premises known as Salamanca City Middle/High School.

87. That as a result of the foregoing, Plaintiff Logan was injured solely and wholly as a result of the negligence, carelessness and recklessness of the SCCSD, without any negligence on the part of the plaintiff contributing thereto.

88. By reason of the foregoing, Defendant SCCSD is liable to Plaintiff Logan for compensatory damages and for punitive damages, together with interests and costs.

89. Per CPLR § 1603, the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided under CPLR § 1602, including but not limited to CPLR §§ 1602(2), 1602(7).

**SIXTH CAUSE OF ACTION
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
AGAINST DUPONT**

90. Plaintiff Logan repeats and re-alleges each and every allegation set forth in the paragraphs “1” through “47” as if fully set forth herein.

91. Defendant DuPont, by reason of his aforementioned unlawful conduct, has intentionally inflicted emotional distress upon the Plaintiff Logan, in that he intentionally, by extreme and outrageous conduct, caused severe and emotional distress to the Plaintiff Logan, in that, he with clear purpose to do so or despite significant knowledge and without Plaintiff Logan’s consent and/or permission repeatedly subjecting Plaintiff Logan to sexual abuse and assault

including forcing Plaintiff to perform oral sex, the aforementioned acts causing Plaintiff Logan severe and emotional distress.

92. As a result of the aforementioned intentional infliction of emotional distress, the Plaintiff Logan has been caused to suffer and sustain severe and potentially permanent personal injuries including severe injury and potentially permanent injury to his emotional and psychological wellbeing.

93. By reason of the foregoing, Defendant DuPont is liable to Plaintiff Logan for compensatory damages and for punitive damages, together with interests and costs.

**SEVENTH CAUSE OF ACTION
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
AGAINST SCCSD**

94. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs “1” through “47” as if fully set forth herein.

95. Defendant SCCSD, and its agents, servants, and/or employees knew or reasonably should have known that the failure to properly advise, supervise, and hire DuPont, the agent, servant, and employee who sexually abused Plaintiff Logan, and the failure to maintain adequate security on the School Premises, would and did proximately result in physical and emotional distress to Plaintiff Logan.

96. Defendant SCCSD and its agents, servants, and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff Logan.

97. Defendant SCCSD had the power, ability, authority, and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff Logan being sexually abused by DuPont.

98. Despite said knowledge, power and duty, Defendant SCCSD negligently failed to act so as to stop, prevent, and prohibit the improper conducted that resulted in DuPont sexually abusing Plaintiff Logan.

99. By reason of the foregoing, Defendant SCCSD is liable to Plaintiff Logan for compensatory damages and punitive damages, together with interests and costs.

100. Per CPLR § 1603, the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided under CPLR § 1602, including but not limited to CPLR §§ 1602(2), 1602(7).

**EIGHTH CAUSE OF ACTION
VICARIOUS LIABILITY PREMISED UPON APPARENT AUTHORITY
AGAINST SCCSD**

101. Plaintiff repeats and re-alleges each and every allegation set forth in the paragraphs “1” through “47” as if fully set forth herein.

102. Defendant SCCSD was and is vicariously liable to the Plaintiff Logan premised upon apparent authority in that SCCSD created an appearance of authority on the part of DuPont upon which, the Plaintiff Logan reasonably relied, thereby enabling DuPont to successfully perpetrate misconduct against the Plaintiff Logan.

103. As a result of the foregoing the Plaintiff Logan has been caused to suffer and sustain severe and potentially permanent personal injuries, including severe injury and potentially permanent injury to his emotional and psychological well-being.

104. By reason of the foregoing, Defendant SCCSD is liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

105. Per CPLR § 1603, the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided under CPLR § 1602, including but not limited to CPLR §§ 1602(2), 1602(7).

**NINTH CAUSE OF ACTION
BREACH OF DUTY IN LOCO PARENTIS
AGAINST SCCSD AND DUPONT**

106. Plaintiff repeats and re-alleges each and every allegation set forth in the paragraphs “1” through “47” as if fully set forth herein.

107. While Plaintiff Logan was a minor, Plaintiff Logan was entrusted by his parents to the control and supervision of Defendant SCCSD. During the times that Plaintiff Logan was entrusted to Defendant DuPont, Defendant DuPont was under the supervision and control of Defendant SCCSD. These Defendants owe – and owed – a duty to children entrusted to them to act in loco parentis and to prevent foreseeable injuries. .

108. At all times material hereto, Defendants actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in their disregard for the rights and safety of Plaintiff.

109. As a direct result of Defendants, Plaintiff has suffered the injuries and damages described herein.

110. By reason of the foregoing, Defendants, jointly severally, and/or in the alternative are liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

111. Per CPLR § 1603, the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided under CPLR § 1602, including but not limited to CPLR §§ 1602(2), 1602(7).

**TENTH CAUSE OF ACTION AS TO PLAINTIFF LOGAN
BREACH OF FIDUCIARY DUTY
AGAINST SCCSD**

112. Plaintiff Logan repeats and re-alleges each and every allegation set forth in the paragraphs “1” through “47” as if fully set forth herein.

113. While Plaintiff Logan was a minor, Plaintiff Logan was entrusted by his parents to the control and supervision of Defendants SCCSD and DuPont. During the times that Plaintiff Logan was entrusted to Defendant DuPont, Defendant DuPont was under the supervision and control of Defendant SCCSD.

114. There exists a fiduciary relationship of trust, confidence, and reliance between Plaintiff Logan and Defendant SCCSD, this relationship is based on the entrustment of the Plaintiff Logan while he was a minor child to the care and supervision of the Defendant SCCSD. This entrustment of the Plaintiff Logan to the care and supervision of Defendant SCCSD, while Plaintiff Logan was a minor child, required Defendant SCCSD to assume a fiduciary relationship and to act in the best interests of the Plaintiff Logan and protect Plaintiff Logan due to infancy and vulnerability.

115. Pursuant to their fiduciary relationship, Defendant SCCSD was entrusted with the well-being, care, and safety of Plaintiff Logan.

116. Pursuant to their fiduciary relationship, Defendant SCCSD assumed a duty to act in the best interests of Plaintiff Logan.

117. Defendant SCCSD breached their fiduciary duties to Plaintiff Logan

118. At all times material hereto, Defendant SCCSD’s actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in their disregard for the rights and safety of Plaintiff Logan.

119. As a direct result of Defendant SCCSD, Plaintiff Logan has suffered the injuries and damages described herein.

120. By reason of the foregoing, Defendant SCCSD is liable to Plaintiff Logan for compensatory damages and for punitive damages, together with interests and costs.

121. Per CPLR § 1603, the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided under CPLR § 1602, including but not limited to CPLR §§ 1602(2), 1602(7).

**ELEVENTH CAUSE OF ACTION
BREACH OF NON-DELEGABLE DUTY
AGAINST SCCSD**

122. Plaintiff Logan repeats and re-alleges each and every allegation set forth in the paragraphs “1” through “47” as if fully set forth herein.

123. While Plaintiff was a minor, Plaintiff was entrusted by his parents to the control and supervision of SCCSD, for the purposes of, inter alia, providing Plaintiff with a safe environment in which to pursue his education. There existed a non-delegable duty of trust between Plaintiff and Defendant.

124. Plaintiff was a vulnerable child when placed within the care of the Defendant SCCSD.

125. As a consequence, Defendant SCCSD was in the best position to prevent DuPont’s sexual abuse of Plaintiff, to learn of that sexual abuse of Plaintiff and stop it, and to take prompt steps to provide that Plaintiff received timely therapy to address the harm Plaintiff suffered resulting from DuPont’s sexual abuse of Plaintiff. Such prompt steps would have mitigated the extent of lifetime suffering Plaintiff has had to endure.

126. By virtue of the fact that Plaintiff was sexually abused as a minor child entrusted to the care of the Defendant SCCSD breached their non-delegable duty to Plaintiff.

127. At all material times hereto, DuPont was under the supervision, employ, direction and/or control of Defendant SCSD.

128. As a direct result of Defendant SCCSD, Plaintiff has suffered the injuries and damages described herein.

129. By reason of the foregoing, Defendant is liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

130. Per CPLR § 1603, the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided under CPLR § 1602, including but not limited to CPLR §§ 1602(2), 1602(7).

WHEREFORE, Plaintiff, demands judgment against the Defendants on each cause of action as follows:

- A. Awarding compensatory damages in an amount to be provide at trial, but in any event in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction; extent permitted by law;
- B. Awarding punitive damages to the extent permitted by law;
- C. Awarding costs and fees of this action, including attorneys' fees to the extent permitted by law;
- D. Awarding prejudgment interest to the extent permitted by law;
- E. Awarding such other and further relief as to this Court may seem just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

Dated: New York, New York
November 14, 2019

Respectfully Submitted,

HACH ROSE SCHIRIPPA & CHEVERIE, LLP



MICHAEL ROSE, ESQ.

HILLARY M. NAPPI, ESQ.

112 Madison Avenue, 10th Floor

New York, New York 10016

212-213-8311

Attorneys for Plaintiff Christopher Logan

ATTORNEY VERIFICATION

HILLARY NAPPI, an attorney duly admitted and licensed to practice law in the courts of the State of New York, hereby affirms, pursuant to CPLR ¶ 2106, states under the penalty of perjury, as follows:

I am an associate at Hach Rose Schirripa & Cheverie LLP, attorneys for the Plaintiff herein, and as such, fully familiar with all the facts and circumstances heretofore stated herein by reason of a file maintained in our office located at 112 Madison Avenue, 10th floor, New York, New York 10016; I have read the foregoing Complaint, and the same is true to our own knowledge, except as to the matters therein stated to be alleged upon information and belief and, as to those matters, we believe them to be true; and that this verification is being made by us because the Plaintiff does not reside within New York County wherein our office is located.

Dated: November 14, 2019
New York, New York

Hillary Nappi